

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Susan Burris,

Plaintiff,

vs.

Atlatl Software, Inc., and Justin Scott,

Defendants.

Civil Action No. 2:21-3277-BHH

**ORDER AND OPINION**

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On December 20, 2021, Magistrate Judge McDonald issued a Report and Recommendation (“Report”) recommending that Defendant Atlatl Software, Inc.’s partial motion to dismiss (ECF No. 8) be granted. (See ECF No. 28.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Defendant filed no objections and the time for doing so expired on January 4, 2022. In the absence of objections to the Magistrate Judge’s Report, this Court is not

required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Defendant Atlatl Software, Inc.’s partial motion to dismiss (ECF No. 8) be denied.

Accordingly, the Report and Recommendation (ECF No. 28) is adopted and incorporated herein by reference. Defendant Atlatl Software, Inc.’s partial motion to dismiss (ECF No. 8) is hereby DENIED. This action is recommitted to the Magistrate Judge for further pretrial proceedings consistent with this Order.

**IT IS SO ORDERED.**

/s/Bruce Howe Hendricks  
United States District Judge

January 18, 2022  
Greenville, South Carolina

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.